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10/022,375	12/20/2001	Haruo Machida	35.C16039	7735

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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

KANG, INSUN

ART UNIT	PAPER NUMBER
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2193

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/022,375

Applicant(s)

MACHIDA, HARUO

Examiner

Insun Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12/20/2001 and 20 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 and 55-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 55-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 389455/2000 and 334705/2001.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responding to application paper dated 12/20/2001 and 4/20/2006.

#### ***Election/Restrictions***

2. Applicant's election without traverse of claims 1-27 and 55-70 in response to the examiner's restriction request is acknowledged. Claims 28-54 and 71-72 have been cancelled as part of Restriction practice. Claims 1-27 and 55-70 are pending in the application.

#### ***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority based on applications filed in Japan 389455/2000 and 334705/2001 on 10/31/2001 and 12/21/2000. It is noted, however, that applicant has not filed a certified copy of the applications as required by 35 U.S.C. 119(b).

#### ***Specification***

4. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

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Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the abstract compares the invention with the prior art (first sentence) and Applicant is reminded of the proper language and format for an abstract of the disclosure. Correction is required.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-5, 16-19, and 55-59 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-5, 16-19, and 55-59 are non-statutory because they are directed to a

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“unit” without recitation of a computer or a computer-readable medium embodying the claimed steps. The claims merely recite a “unit” that is disembodied arrangement so as to be called a “computer program” or compilation of facts, information, or data *per se*, without creating any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer (“acts”) or computer readable medium so as to enable the computer to perform the claimed units as recited.

Thus the claims represent non-functional descriptive material that is not capable of producing a useful result, and hence represent only abstract ideas. Therefore, the claims are non-statutory.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-16, 18-20, 22-24, 26, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Dodson (US Patent 6,513,159).

Per claim 1:

Dodson discloses:

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-unit managing means for managing a setup status of driver information for peripheral devices connected to the client units at the client units (i.e. col. 7 lines 10-22); and transmission controlling means for controlling operations to send the driver information to the client units based on the setup status (i.e. col. 7 lines 10-22).

Per claim 2:

The rejection of claim 1 is incorporated, and further, Dodson teaches:

selection indicating means for indicating selection of a second plurality of client units on which to install driver information from among a first plurality of client units; and determining means for determining client units on which to install driver information based on the setup information from the second plurality of client units whose selection is indicated by said selection indicating means, wherein said transmission controlling means controls operations to send the driver information to the client units determined by said determining means (i.e. col. 4 lines 13-23 and 48-58; col. 2 lines 55-65).

Per claim 3:

The rejection of claim 1 is incorporated, and further, Dodson teaches:

wherein the setup status includes identification information for the driver information incorporated within the client units, and said transmission controlling means controls transmission operations to send the driver information to one or more client units if driver information indicated by the identification information for the driver information is not in the one or more client units (i.e. col. 4 lines 13-23 and 48-58; col. 2 lines 55-65).

Per claim 4:

The rejection of claim 2 is incorporated, and further, Dodson teaches:  
wherein the setup status is collected by said information processing unit communicating with the client units (i.e. col. 4 lines 13-23 and 48-58; col. 2 lines 55-65).

Per claim 5:

The rejection of claim 2 is incorporated, and further, Dodson teaches:  
wherein said determining means determines a third plurality of client units on which install operations are to be performed (i.e. col. 4 lines 13-23 and 48-58; col. 2 lines 55-65).

Per claims 6-10, they are the method versions of claims 1-5, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1-5 above.

Per claims 11-15, they are the product versions of claims 1-5, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1-5 above.

Per claim 16, it is the information processing unit version of claim 2, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 2 above.

Per claim 18:

The rejection of claim 16 is incorporated, and further, Dodson teaches:

wherein the driver information is set up based on a setup instruction (i.e. col. 4 lines 13-23 and 48-58; col. 2 lines 55-65).

Per claim 19, it is the information processing unit version of claim 2, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 2 above.

Per claims 20, 22, and 23, they are the method versions of claims 16, 18, and 19, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 16, 18, and 19 above.

Per claims 24, 26, and 27, they are the product versions of claims 16, 18, and 19, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 16, 18, and 19 above.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



10. Claims 17, 21, 25, and 55-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodson (US Patent 6,513,159) as applied to claims 1-16, 18-20, 22-24, 26, and 27 above in view of Tanaka (US Patent 6, 721, 879).

Per claim 17:

The rejection of claim 16 is incorporated, and further, Dodson does not explicitly teach a test print instruction for a printer on which the driver information is to be set up.

However, Tanaka teaches a test print was known in the pertinent art, at the time applicant's invention was made, to ensure the correct driver set up(i.e. Figs 9A-9D). It would have been obvious for one having ordinary skill in the art to modify Dodson's disclosed system to incorporate the teachings of Tanaka. The modification would be obvious because one having ordinary skill in the art would be motivated to test the correctness of the driver set up to ensure proper installation operations as suggested by Tanaka (Figs 9A-9D).

Per claims 55-57, they are another processing unit versions of claims 11-17, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 11-17 above.

Per claim 58:

The rejections of claims 55 to 57 are incorporated, and further, Tanaka teaches: a test print request source is printed in the test printing (Figs 9A-9D).

Per claim 59:

The rejections of claims 55 to 57 are incorporated, and further, Tanaka teaches:  
a name of a print server used in executing the test printing is printed in the test printing  
(Figs 9A-9D).

Per claims 60-64, they are the method versions of claims 55-59, respectively,  
and are rejected for the same reasons set forth in connection with the rejection of claims  
55-59 above.

Per claims 65-69, they are the product versions of claims 55-59, respectively,  
and are rejected for the same reasons set forth in connection with the rejection of claims  
55-59 above.

Per claim 70, it is the computer-readable storage medium version of claims 11,  
24, and 65, respectively, and is rejected for the same reasons set forth in connection  
with the rejection of claims 11, 24, and 65 above.

11. Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Insun Kang whose telephone number is 571-272-3724.  
The examiner can normally be reached on M-F 7:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Kakali Chaki can be reached on 571-272-3719. The fax phone number for  
the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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**KAKALI CHAKI**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100